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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,976	09/18/2001	Surendra N. Naidoo	4017-03001	8803
30652 7590 08/16/2007 CONLEY ROSE, P.C. 5700 GRANITE PARKWAY, SUITE 330 PLANO, TX 75024			EXAMINER VO, TUNG T	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/954,976

Applicant(s)

NAIDOO ET AL.

Examiner

Tung Vo

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-24,26-31 and 47-61 is/are pending in the application.
- 4a) Of the above claim(s) 2,25 and 32-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-24,26-31 and 47-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/02/2007 have been fully considered but they are not persuasive.

The applicant argues that there is no motivation to combine Lemons and Menard because the Menard discloses two communications path that operates simultaneously rather than independently to deliver the alarm notification to different destinations, namely the end-user 30 and the central station 20, and cable head end and hybrid coaxial network features of Kung has nothing to do with a security gateway notifying a security system sever of an alarm condition through two networks simultaneously, pages 16, 18-20 of the remarks.

The examiner respectfully disagrees with applicant. It is submitted that Lemons teaches two communications channel (36 and 38 of fig. 1) that transmit the video and audio alarm from the premises (12 of fig. 1) the monitoring center (38 of fig. 1) and suggests the changes and modifications integrated circuitry system possible and contemplated (col. 11, lines 50-58), this is evidence to one skill in the art to modify the Lemons system.

Menard teaches the alarm system (10 of fig. 1) is simultaneous alarm transmission to the central station (20 of fig. 1) and end user (40 of fig. 1), wherein the system of Menard is not intended in an exclusive or limited sense, and variations may exist in organization, dimension, hardware, software, and mechanical design (col. 5, lines 5-12). Therefore, one skill of ordinary skill in the art would modify the simultaneous transmission paths (A and B of fig. 1) of Menard

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into the transmissions channel (36 and 50 of fig. 1) of Lemons for notifying the alarm to the monitoring center without delay when one of the transmissions is lost.

Kung teaches a security gateway (102 of fig. 1) connects to a cable head-end (115 of fig. 1) through a first network (112 of fig. 1) by a hybrid-fiber-coaxial network (col.5, line 44 through col. 6, line 9). It would have been obvious to one of ordinary skill in the art to use the cable head-end (115 of fig. 1) through the first network (112 of fig. 1) by the hybrid-fiber-coaxial network (col.5, line 44 through col. 6, line 9) of Kung into the communications channel (34 and 36 of fig. 1) of the combination of Lemons and Menard to provide faster notifications.

In response to appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. *In re Preda*, 401 F.2d 825, 159 USPQ 342 (CCPA 1968) and *In re Shepard*, 319 F.2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. *In re Sovish*, 769 F.2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. *In re Jacoby*, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without

any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969)). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F.2d 656, 193 USPQ 12 (CCPA 1977).

The applicant further argues that Lemons does not disclose claimed limitations in claims 53-56, pages 17 and 18 of the remarks.

The examiner respectfully disagrees with applicant. It is submitted that Lemons teaches a security system (10 of fig. 1) comprising: a security gateway (12 of fig. 1) located at a premises, wherein the security gateway is operable to detect an alarm condition and to record video of at least a portion of the premises relating to the alarm condition, said video hereinafter referred to as an Alarm Video; and a security system server (38 of fig. 1) operatively coupled to the security gateway through a first network (36 of fig. 1), wherein the security gateway is configured to notify the security system server of the alarm condition and to transfer the Alarm Video to the security system server through the first network in substantially real time; wherein the security system server (38 of fig. 1) is further operatively coupled to the security gateway through a second network (50 of fig. 1), wherein the security gateway is configured to: (1) notify the security system server of the alarm condition through the second network (50 of fig. 1); (2) detect if connectivity with the security system server through the first network is lost (col. 4, line 66-col. 5, line 16); and (3) notify the security system server (38 of fig. 1) through the second network (50 of fig. 1) of the loss of connectivity through the first network (36 of fig. 1, Note if the first network fails); wherein the security gateway (12 of fig. 1) is further configured to: (4) notify the security system server in the event that connectivity with the security system server

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through the first network (36 of fig. 1) is lost while the security gateway is disarmed and the security gateway is armed before connectivity with the security system server through the first network is restored (col. 5, lines 1-16).

The applicant argues that Saylor does fails to state that alert notifications are transmitted simultaneously to the single user 160 through the multiple communication networks and there is no motivation to combine Saylor and Lemons, pages 20-24 of the remarks.

The examiner respectfully disagrees with that applicant. It is submitted that Saylor teaches alert (alarm) notification is communicated via the Internet (150 of fig. 1) as the first network, POTS (152 of fig. 1) as the second network, and others such as wireless communication portals and voice portals as the third network (col. 4, lines 44-47), wherein the alarm notification is sent to the central security server (130 of fig. 2) to contact the user and automatically notifies to other identified contacts (162f-162N of fig. 1) as specified by the user; this disclosure would fairly suggest that the alert notification would be transmitted to the user throughout the first network as Internet and to the specified contacts through second or third network as POTS simultaneously. Saylor further suggests other variations may be implemented (col. 6, lines 54-55), so this is evidence to one skilled in the art to modify the teachings of Saylor into the security system of Lemons. In view of the discussion above, the claimed limitations are unpatentable over the combination of Lemons and Saylor.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-19, 47-49, and 53-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemons (US 6,504,479) in view of Menard (US 6,667,688) as set forth in the previous Office Action dated 04/02/2007.

3. Claims 20-24, 26-31, and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemons (US 6,504,479) in view of Menard (US 6,667,688) and in view of Kung et al. (US 6,826,173) as set forth in the previous Office Action dated 04/02/2007.

4. Claims 1 and 3-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemons (US 6,504,479) in view of Saylor (US 6,400,265) as set forth in the previous Office Action dated 04/02/2007.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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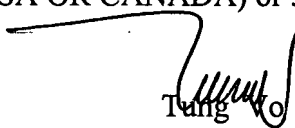
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Tung Vo
Primary Examiner
Art Unit 2621